

as being indefinite; and claims 1-6 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Number 5,960,967 ("Neil") in view of U.S. Patent Number 1,132,190 ("Kohout").

Applicant respectfully requests that the Office hold the objection to the specification in abeyance pending allowance of the instant claims. Upon allowance of the claims, a substitute specification will be provided.

Claim 1 has been amended to remove the alleged indefiniteness. The amendment does not narrow the claim and is made solely for clarification purposes. Claims 6-10 have been cancelled and replaced with claims 11-19. Claims 11-19 are in compliance with the requirements of 37 C.F.R. 1.75(c). With these amendments, withdrawal of the § 112 rejection of claims 1-6 and the objection to claims 6-10 are respectfully requested. The § 103 rejection is addressed below.

Rejection Under 35 U.S.C. § 103

Claims 1-6 stand rejected as being unpatentable over Neil in view of Kohout. The Office contends that Neil shows a device comprising a rail like member with a slot, and a hook with an anchor member, and that it would have been obvious to provide the Neil device with the telescopic members shown by Kohout. Office Action, page 3. The Office further adds, in response to Applicant's prior arguments, that "[c]ontrary to Applicant argument, the sliding of the holders [in Kohout] is possible." Office Action, page 4. Applicant respectfully traverses this rejection.

Neil relates to an apparatus for the storage of articles. Neil, col. 1, lines 6-7. The apparatus

comprises: a horizontally extending track member with internal cavity means having a slideway; a supporting means for supporting the track member; and a series of hook elements having an anchor part retained in the slideway. Neil, col. 1, lines 35-50. The supporting means for supporting the track member are attached to a structure such as a wall, or ceiling. Neil, col. 1., lines 42-44. Because the tracked member is attached to a non-movable structure such as a wall or a ceiling, the track member itself is not-movable. The track member, therefore, is not telescopic. Further evidence of this non-telescopic nature is indicated by the drawings. For instance, the brackets (20) which are used to attach the track members (10) to a ceiling, are shown bracketing both sides of the track member. See Neil, Fig. 1. Once mounted to a fixed structure, therefore, both sides of the track member are fixed and cannot slide. Further, the similar dimensions of both sides of the track member, as shown in Fig. 1, indicate that there is no possibility of telescopic action with the apparatus.

Additionally, Neil does not disclose any rotational freedom to the hook elements. The anchor portion of the hook element is rectangular and is fixed to a shank. The hook at the end of the shank extends at 45° with respect to the longitudinal axis of the track member and this alignment is maintained by engaging the sloping shoulders of the anchor. See Neil, col. 3, lines 1-18. If the anchor portion had rotational freedom, there would not be such a fixed alignment. Indeed, the anchor is held close to the slideway by a collar "so that it cannot rotate." Neil, col. 3, lines 15-17.

Kohout relates to a movable rack for supporting garments in, for instance, closets. Kohout, col. 1, lines 10-12. The rack includes a rack proper, and a runway. Kohout, col. 2, lines 58-60. A plurality of garment hooks are arranged longitudinally of the underface of the rack. Kohout, col. 2, lines 87-89. There is no teaching or any indication in Kohout that the hooks have any freedom of movement, including rotational movement, with respect to the rack to which they are mounted.

Applicant respectfully submits that a person of skill in the art would not be motivated to combine Neil and Kohout. As indicated above, the apparatus of Neil is fixed to a structure, such as a ceiling, precluding the possibility of telescopic movement. Thus, to provide telescopic action to Neil would require significant modification of Neil's apparatus. Neither reference teaches or provides the motivation to make such a modification.

Further, neither reference discloses an apparatus in which the hooks are rotatable. Thus, even if the references were combinable in the manner indicated by the Office, the resultant Apparatus would not provide hooks having rotational freedom. Rotational freedom of the product holders is an important aspect of Applicant's apparatus. This feature facilitates the taking out or putting in of a product in an easy manner, while the products are closely packed. See the specification, for example, at page 2, lines 14 and 24, and page 3, lines 2-3.

Thus, because a person of skill in the art would not combine the references, and even if combinable, the references would not provide Applicant's apparatus in which the product holders are rotatable, the combination of the

references does not render Applicant's invention obvious. Accordingly, withdrawal of the 35 U.S.C. § 103 rejection of claims 1-6 is respectfully requested.

CONCLUSION

In view of the above amendments and discussion, Applicant respectfully submits that the pending claims are allowable. Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited.

Respectfully submitted,

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Marked Up Copy of Amended Claims

1. (Amended) Suspension system for products comprising a base for fixing to a wall of a space, the base comprising at least two mutually telescopic profiles; and [provided with] at least one product holder¹¹ which on a first side is connected displaceably to at least one of the profiles and on a second side comprises a suspension member which is able to receive a product, [characterized in that the base comprises at least two mutually telescopic profiles and that on the first side] wherein the product holder is connected [to at least one of the profiles not only displaceably but also] for rotation on a longitudinal axis.

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